

REMARKS

This application has been reviewed in light of the Office Action dated September 26, 2006. Claims 1-6, 8-20, 22-28, and 30 are pending in the application. By the present amendment, claims 1, 11, 16, 25 and 28 have been amended. Claim 30 has been added. No new matter has been introduced. Claims 7, 21 and 29 have been cancelled without prejudice. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested. No new issues are believed to have been raised by the amendments.

The Applicant notes with appreciation the telephone interview granted by Examiner Alexander on November 1, 2006, and the allowance of claim 29. Claim 29 have been canceled without prejudice in favor of identical claim 16.

By the Office Action, claims 11, 25 and 28 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 11, 25 and 28 have been amended in a way to overcome the rejection. Independent claim 28 is therefore believed to be in condition for allowance. Early and favorable consideration is respectfully requested.

By the Office Action, claims 1, 2, 4-6, 9-11, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,140,954 to Schroeder (hereinafter Schroeder) in view of U.S. Patent No. 6,530,816 to Chiu (hereinafter Chiu).

Schroeder is directed to a confection where a handle 16 is attached to a propeller 10, where the propeller 10 is fixed to the handle 16 at first. The propeller 16 includes candy affixed to one blade 13. The propeller 16 can be detached from the handle 16 by breaking the connection to the handle 16. Then, after the candy has been eaten, the propeller 16 can be

positioned on the handle 16 in a transverse orientation such that spinning the handle spins the propeller 10. The candy blocks the hole in the hub so attaching the hub to the handle to enable spinning motion is impossible until the candy is removed. In addition, the candy is applied to only one blade of the device so that even if the hub could be attached to the handle for spinning the device would work improperly until the candy were completely removed. Chiu fails to cure these deficiencies as Chiu is directed to a pinwheel with lights disposed on the blades.

While the cited combination is believed not to render obvious the present claims, claim 1 has been amended to include the subject matter of claim 7, which was deemed to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 is therefore believed to be in condition for allowance for at least the stated reasons. Dependent claims 2-6 and 8-15 are also believed to be in condition for allowance for at least their dependency from claim 1. Reconsideration of the rejection is earnestly solicited.

By the Office Action, claims 16, 17, 22, 23 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schroeder in view of U.S. Patent No. 1,769,784 to Hoppe (hereinafter Hoppe).

Hoppe includes a mechanism for spinning a pinwheel, but fails to cure the deficiencies of Schroeder. While the cited combination is believed not to render obvious the present claims, claim 16 has been amended to include the subject matter of claim 21, which was deemed to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further amended claim 16 is identical to claim 29, now canceled without prejudice, which was deemed allowable by the Examiner. Claim 16 is therefore in condition for allowance for at least the stated reasons. Dependent claims 17-20 and 22-27 are also in condition for allowance for at least their dependency from claim 16. Reconsideration of the rejection is

earnestly solicited.

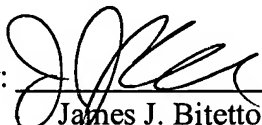
Claim 30 has been added and includes the subject matter of claims 1 and 15. Claim 15 was deemed to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 30 is therefore believed to be in condition for allowance for at least the stated reasons. Consideration is earnestly solicited.

It is believed that no additional fees are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 50-1433.

The Applicant notes with appreciation the allowance of claim 29 and the allowability of claims 7, 15, 19 and 21 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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